

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1535.00
COMPLAINT INVESTIGATOR: Roger Hubbard
DATE OF COMPLAINT: February 24, 2000
DATE OF REPORT: March 23, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 14, 2000

COMPLAINT ISSUE:

Whether the Hamilton Community Schools and the Northeast Indiana Special Education Cooperative violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
 - a. failing to notify the parent when the student's grade falls below a "C";
 - b. failing to send the student's grades home each Friday; and
 - c. failing to utilize the student's assignment book as stated in the IEP.

FINDINGS OF FACT:

1. The Student is eleven years old, in the fifth grade and is eligible for special education and related services as a student with a learning disability.
2. A CCC meeting was held on April 22, 1999. It was determined that the parent would be notified "right away" when the Student's grade fell below a "C." However the general education teacher interpreted this portion of the IEP to be met when mid-grading period reports were sent home.
3. A CCC meeting was held on December 14, 1999. At that time it was agreed upon that the reading/language arts teacher would give grades weekly until the end of January 2000. The teacher provided weekly grades on the following dates: December 17, 1999, January 7, 2000, and January 14, 2000. It was also determined that the Student would use an assignment book to record his assignments and the teacher would remind him of what needs to be taken home. This strategy worked well for about three weeks. After three weeks the Student failed to bring the assignment book to his teacher regularly and the teacher neglected to ask the Student about the assignment book.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the parent was to be notified "right away" when the Student's grades fell below a "C." The school only notified the parent at the mid-grading period. Although there may be a violation, the phrase "right away" needs clarification. Another CCC was held on March 1, 2000, and it was clarified that the parent would be electronically mailed a weekly report of the Student's daily grades. No corrective action will be ordered regarding this issue.

2. Finding of Fact #3 indicates that the reading/language arts teacher would send the Student's grades home each Friday until the end of January. The teacher only provided the grades on December 17, 1999, January 7, 2000, and January 14, 2000. Finding of Fact #3 also indicates that the teacher failed to communicate with the Student regarding the assignment book. Therefore, a violation of 511 IAC 7-12-1 is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Hamilton Community Schools and the Northeast Indiana Special Education Cooperative shall:

1. Inform all teachers of the requirement to implement adaptations and modifications identified in a Student's IEP. The information provided shall focus on services a student is to receive in general education classes as stated in the IEP. A copy of the information presented shall be provided to the Division by April 18, 2000. The information sessions/training sessions shall be completed by May 10, 2000, with copies of attendance provided to the Division by May 17, 2000.